

the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2336.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BERMAN. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

# ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2001

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3525) to enhance the border security of the United States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3525

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Enhanced Border Security and Visa Entry Reform Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.  
Sec. 2. Definitions.

## TITLE I—FUNDING

Sec. 101. Authorization of appropriations for hiring and training Government personnel.

Sec. 102. Authorization of appropriations for improvements in technology and infrastructure.

Sec. 103. Machine-readable visa fees.

## TITLE II—INTERAGENCY INFORMATION SHARING

Sec. 201. Interim measures for access to and coordination of law enforcement and other information.

Sec. 202. Interoperable law enforcement and intelligence data system with name-matching capacity and training.

Sec. 203. Commission on interoperable data sharing.

## TITLE III—VISA ISSUANCE

Sec. 301. Electronic provision of visa files.

Sec. 302. Implementation of an integrated entry and exit data system.

Sec. 303. Machine-readable, tamper-resistant entry and exit documents.

Sec. 304. Terrorist lookout committees.

Sec. 305. Improved training for consular officers.

Sec. 306. Restriction on issuance of visas to nonimmigrants who are from countries that are state sponsors of international terrorism.

Sec. 307. Designation of program countries under the Visa Waiver Program.

Sec. 308. Tracking system for stolen passports.

Sec. 309. Identification documents for certain newly admitted aliens.

## TITLE IV—ADMISSION AND INSPECTION OF ALIENS

Sec. 401. Study of the feasibility of a North American National Security Program.

Sec. 402. Passenger manifests.

Sec. 405. Time period for inspections.

## TITLE V—FOREIGN STUDENTS AND EXCHANGE VISITORS

Sec. 501. Foreign student monitoring program.

Sec. 502. Review of institutions and other entities authorized to enroll or sponsor certain nonimmigrants.

## TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Extension of deadline for improvement in border crossing identification cards.

Sec. 602. General Accounting Office study.

Sec. 603. International cooperation.

Sec. 604. Statutory construction.

Sec. 605. Report on aliens who fail to appear after release on own recognition.

Sec. 606. Retention of nonimmigrant visa applications by the Department of State.

## SEC. 2. DEFINITIONS.

In this Act:

(1) ALIEN.—The term "alien" has the meaning given the term in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means the following:

(A) The Committee on the Judiciary, the Select Committee on Intelligence, and the Committee on Foreign Relations of the Senate.

(B) The Committee on the Judiciary, the Permanent Select Committee on Intelligence, and the Committee on International Relations of the House of Representatives.

(3) FEDERAL LAW ENFORCEMENT AGENCIES.—The term "Federal law enforcement agencies" means the following:

(A) The United States Secret Service.  
(B) The Drug Enforcement Administration.  
(C) The Federal Bureau of Investigation.  
(D) The Immigration and Naturalization Service.

(E) The United States Marshall Service.  
(F) The Naval Criminal Investigative Service.

(G) The Coastal Security Service.  
(H) The Diplomatic Security Service.  
(I) The United States Postal Inspection Service.

(J) The Bureau of Alcohol, Tobacco, and Firearms.  
(K) The United States Customs Service.  
(L) The National Park Service.

(4) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(5) PRESIDENT.—The term "President" means the President of the United States, acting through the Assistant to the President for Homeland Security, in coordination with the Secretary of State, the Commissioner of Immigration and Naturalization, the Attorney General, the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, the Secretary of Transportation, the Commissioner of Customs, and the Secretary of the Treasury.

(6) USA PATRIOT ACT.—The term "USA PATRIOT Act" means the Uniting and

Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (Public Law 107-56).

## TITLE I—FUNDING

### SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR HIRING AND TRAINING GOVERNMENT PERSONNEL.

(a) ADDITIONAL PERSONNEL.—

(1) INS INSPECTORS.—Subject to the availability of appropriations, during each of the fiscal years 2002 through 2006, the Attorney General shall increase the number of inspectors and associated support staff in the Immigration and Naturalization Service by the equivalent of at least 200 full-time employees over the number of inspectors and associated support staff in the Immigration and Naturalization Service authorized by the USA PATRIOT Act.

(2) INS INVESTIGATIVE PERSONNEL.—Subject to the availability of appropriations, during each of the fiscal years 2002 through 2006, the Attorney General shall increase the number of investigative and associated support staff of the Immigration and Naturalization Service by the equivalent of at least 200 full-time employees over the number of investigators and associated support staff in the Immigration and Naturalization Service authorized by the USA PATRIOT Act.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection, including such sums as may be necessary to provide facilities, attorney personnel and support staff, and other resources needed to support the increased number of inspectors, investigative staff, and associated support staff.

(b) WAIVER OF FTE LIMITATION.—The Attorney General is authorized to waive any limitation on the number of full-time equivalent personnel assigned to the Immigration and Naturalization Service.

(c) AUTHORIZATION OF APPROPRIATIONS FOR INS STAFFING.—

(1) IN GENERAL.—There are authorized to be appropriated for the Department of Justice such sums as may be necessary to provide an increase in the annual rate of basic pay—

(A) for all journeyman Border Patrol agents and inspectors who have completed at least one year's service and are receiving an annual rate of basic pay for positions at GS-9 of the General Schedule under section 5332 of title 5, United States Code, from the annual rate of basic pay payable for positions at GS-9 of the General Schedule under such section 5332, to an annual rate of basic pay payable for positions at GS-11 of the General Schedule under such section 5332;

(B) for inspections assistants, from the annual rate of basic pay payable for positions at GS-5 of the General Schedule under section 5332 of title 5, United States Code, to an annual rate of basic pay payable for positions at GS-7 of the General Schedule under such section 5332; and

(C) for the support staff associated with the personnel described in subparagraphs (A) and (B), at the appropriate GS level of the General Schedule under such section 5332.

(d) AUTHORIZATION OF APPROPRIATIONS FOR TRAINING.—There are authorized to be appropriated such sums as may be necessary—

(1) to appropriately train Immigration and Naturalization Service personnel on an ongoing basis—

(A) to ensure that their proficiency levels are acceptable to protect the borders of the United States; and

(B) otherwise to enforce and administer the laws within their jurisdiction; and

(2) to provide adequate continuing cross-training to agencies staffing the United States border and ports of entry to effectively and correctly apply applicable United States laws;

(3) to fully train immigration officers to use the appropriate lookout databases and to monitor passenger traffic patterns; and

(4) to expand the Carrier Consultant Program described in section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225A(b)).

(e) **AUTHORIZATION OF APPROPRIATIONS FOR CONSULAR FUNCTIONS.**—

(1) **RESPONSIBILITIES.**—The Secretary of State shall—

(A) implement enhanced security measures for the review of visa applicants;

(B) staff the facilities and programs associated with the activities described in subparagraph (A); and

(C) provide ongoing training for consular officers and diplomatic security agents.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for the Department of State such sums as may be necessary to carry out paragraph (1).

## **SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR IMPROVEMENTS IN TECHNOLOGY AND INFRASTRUCTURE.**

(a) **FUNDING OF TECHNOLOGY.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to funds otherwise available for such purpose, there are authorized to be appropriated \$150,000,000 to the Immigration and Naturalization Service, for purposes of—

(A) making improvements in technology (including infrastructure support, computer security, and information technology development) for improving border security;

(B) expanding, utilizing, and improving technology to improve border security; and

(C) facilitating the flow of commerce and persons at ports of entry, including improving and expanding programs for preenrollment and preclearance.

(2) **WAIVER OF FEES.**—Federal agencies involved in border security may waive all or part of enrollment fees for technology-based programs to encourage participation by United States citizens and aliens in such programs. Any agency that waives any part of any such fee may establish its fees for other services at a level that will ensure the recovery from other users of the amounts waived.

(3) **OFFSET OF INCREASES IN FEES.**—The Attorney General may, to the extent reasonable, increase land border fees for the issuance of arrival-departure documents to offset technology costs.

(b) **IMPROVEMENT AND EXPANSION OF INS, STATE DEPARTMENT, AND CUSTOMS FACILITIES.**—There are authorized to be appropriated to the Immigration and Naturalization Service and the Department of State such sums as may be necessary to improve and expand facilities for use by the personnel of those agencies.

## **SEC. 103. MACHINE-READABLE VISA FEES.**

(a) **RELATION TO SUBSEQUENT AUTHORIZATION ACTS.**—Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended by striking paragraph (3).

(b) **FEE AMOUNT.**—The machine-readable visa fee charged by the Department of State shall be the higher of \$65 or the cost of the machine-readable visa service, as determined by the Secretary of State after conducting a study of the cost of such service.

(c) **SURCHARGE.**—The Department of State is authorized to charge a surcharge of \$10, in addition to the machine-readable visa fee, for issuing a machine-readable visa in a non-machine-readable passport.

(d) **AVAILABILITY OF COLLECTED FEES.**—Notwithstanding any other provision of law, amounts collected as fees described in this section shall be credited as an offsetting collection to any appropriation for the Department of State to recover costs of providing consular services. Amounts so credited shall be available, until expended, for the same purposes as the appropriation to which credited.

## **TITLE II—INTERAGENCY INFORMATION SHARING**

### **SEC. 201. INTERIM MEASURES FOR ACCESS TO AND COORDINATION OF LAW ENFORCEMENT AND OTHER INFORMATION.**

(a) **INTERIM DIRECTIVE.**—Until the plan required by subsection (c) is implemented, Federal law enforcement agencies and the intelligence community shall, to the maximum extent practicable, share any information with the Department of State and the Immigration and Naturalization Service relevant to the admissibility and deportability of aliens, consistent with the plan described in subsection (c).

(b) **REPORT IDENTIFYING LAW ENFORCEMENT AND INTELLIGENCE INFORMATION.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of enactment of this Act, the President shall submit to the appropriate committees of Congress a report identifying Federal law enforcement and the intelligence community information needed by the Department of State to screen visa applicants, or by the Immigration and Naturalization Service to screen applicants for admission to the United States, and to identify those aliens inadmissible or deportable under the Immigration and Nationality Act.

(2) **REPEAL.**—Section 414(d) of the USA PATRIOT Act is hereby repealed.

(c) **COORDINATION PLAN.**—

(1) **REQUIREMENT FOR PLAN.**—Not later than one year after the date of enactment of the USA PATRIOT Act, the President shall develop and implement a plan based on the findings of the report under subsection (b) that requires Federal law enforcement agencies and the intelligence community to provide to the Department of State and the Immigration and Naturalization Service all information identified in that report as expeditiously as practicable.

(2) **CONSULTATION REQUIREMENT.**—In the preparation and implementation of the plan under this subsection, the President shall consult with the appropriate committees of Congress.

(3) **PROTECTIONS REGARDING INFORMATION AND USES THEREOF.**—The plan under this subsection shall establish conditions for using the information described in subsection (b) received by the Department of State and Immigration and Naturalization Service—

(A) to limit the dissemination of such information;

(B) to ensure that such information is used solely to determine whether to issue a visa to an alien or to determine the admissibility or deportability of an alien to the United States, except as otherwise authorized under Federal law;

(C) to ensure the accuracy, security, and confidentiality of such information;

(D) to protect any privacy rights of individuals who are subjects of such information;

(E) to provide data integrity through the timely removal and destruction of obsolete or erroneous names and information; and

(F) in a manner that protects the sources and methods used to acquire intelligence information as required by section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(6)).

(4) **CRIMINAL PENALTIES FOR MISUSE OF INFORMATION.**—Any person who obtains information under this subsection without authorization or exceeding authorized access (as defined in section 1030(e) of title 18, United States Code), and who uses such information in the manner described in any of the paragraphs (1) through (7) of section 1030(a) of such title, or attempts to use such information in such manner, shall be subject to the same penalties as are applicable under section 1030(c) of such title for violation of that paragraph.

(5) **ADVANCING DEADLINES FOR A TECHNOLOGY STANDARD AND REPORT.**—Section 403(c) of the USA PATRIOT Act is amended—

(A) in paragraph (1), by striking “2 years” and inserting “one year”; and

(B) in paragraph (4), by striking “18 months” and inserting “six months”.

### **SEC. 202. INTEROPERABLE LAW ENFORCEMENT AND INTELLIGENCE DATA SYSTEM WITH NAME-MATCHING CAPACITY AND TRAINING.**

(a) **INTEROPERABLE LAW ENFORCEMENT AND INTELLIGENCE ELECTRONIC DATA SYSTEM.**—

(1) **REQUIREMENT FOR INTEGRATED IMMIGRATION AND NATURALIZATION DATA SYSTEM.**—The Immigration and Naturalization Service shall fully integrate all databases and data systems maintained by the Service that process or contain information on aliens. The fully integrated data system shall be an interoperable component of the electronic data system described in paragraph (2).

(2) **REQUIREMENT FOR INTEROPERABLE DATA SYSTEM.**—Upon the date of commencement of implementation of the plan required by section 201(c), the President shall develop and implement an interoperable electronic data system to provide current and immediate access to information in databases of Federal law enforcement agencies and the intelligence community that is relevant to determine whether to issue a visa or to determine the admissibility or deportability of an alien.

(3) **CONSULTATION REQUIREMENT.**—In the development and implementation of the data system under this subsection, the President shall consult with the Director of the National Institute of Standards and Technology (NIST) and any such other agency as may be deemed appropriate.

(4) **TECHNOLOGY STANDARD.**—

(A) **IN GENERAL.**—The data system developed and implemented under this subsection, and the databases referred to in paragraph (2), shall utilize the technology standard established pursuant to section 403(c) of the USA PATRIOT Act, as amended by section 201(c)(5) and subparagraph (B).

(B) **CONFORMING AMENDMENT.**—Section 403(c) of the USA PATRIOT Act, as amended by section 201(c)(5), is further amended—

(i) in paragraph (1), by inserting “, including appropriate biometric identifier standards,” after “technology standard”; and

(ii) in paragraph (2) —

(I) by striking “INTEGRATED” and inserting “INTEROPERABLE”; and

(II) by striking “integrated” and inserting “interoperable”.

(5) **ACCESS TO INFORMATION IN DATA SYSTEM.**—Subject to paragraph (6), information in the data system under this subsection shall be readily and easily accessible—

(A) to any consular officer responsible for the issuance of visas;

(B) to any Federal official responsible for determining an alien's admissibility to or deportability from the United States; and

(C) to any Federal law enforcement or intelligence officer determined by regulation



to be responsible for the investigation or identification of aliens.

(6) **LIMITATION ON ACCESS.**—The President shall, in accordance with applicable Federal laws, establish procedures to restrict access to intelligence information in the data system under this subsection, and the databases referred to in paragraph (2), under circumstances in which such information is not to be disclosed directly to Government officials under paragraph (5).

(b) **NAME-SEARCH CAPACITY AND SUPPORT.**—  
(1) **IN GENERAL.**—The interoperable electronic data system required by subsection (a) shall—

(A) have the capacity to compensate for disparate name formats among the different databases referred to in subsection (a);

(B) be searchable on a linguistically sensitive basis;

(C) provide adequate user support;

(D) to the extent practicable, utilize commercially available technology; and

(E) be adjusted and improved, based upon experience with the databases and improvements in the underlying technologies and sciences, on a continuing basis.

(2) **LINGUISTICALLY SENSITIVE SEARCHES.**—

(A) **IN GENERAL.**—To satisfy the requirement of paragraph (1)(B), the interoperable electronic database shall be searchable based on linguistically sensitive algorithms that—

(i) account for variations in name formats and transliterations, including varied spellings and varied separation or combination of name elements, within a particular language; and

(ii) incorporate advanced linguistic, mathematical, statistical, and anthropological research and methods.

(B) **LANGUAGES REQUIRED.**—

(i) **PRIORITY LANGUAGES.**—Linguistically sensitive algorithms shall be developed and implemented for no fewer than 4 languages designated as high priorities by the Secretary of State, after consultation with the Attorney General and the Director of Central Intelligence.

(ii) **IMPLEMENTATION SCHEDULE.**—Of the 4 linguistically sensitive algorithms required to be developed and implemented under clause (i)—

(I) the highest priority language algorithms shall be implemented within 18 months after the date of enactment of this Act; and

(II) an additional language algorithm shall be implemented each succeeding year for the next three years.

(3) **ADEQUATE USER SUPPORT.**—The Secretary of State and the Attorney General shall jointly prescribe procedures to ensure that consular and immigration officers can, as required, obtain assistance in resolving identity and other questions that may arise about names of aliens seeking visas or admission to the United States that may be subject to variations in format, transliteration, or other similar phenomenon.

(4) **INTERIM REPORTS.**—Six months after the date of enactment of this Act, the President shall submit a report to the appropriate committees of Congress on the progress in implementing each requirement of this section.

(5) **REPORTS BY INTELLIGENCE AGENCIES.**—

(A) **CURRENT STANDARDS.**—Not later than 60 days after the date of enactment of this Act, the Director of Central Intelligence shall complete the survey and issue the report previously required by section 309(a) of the Intelligence Authorization Act for Fiscal Year 1998 (50 U.S.C. 403-3 note).

(B) **GUIDELINES.**—Not later than 120 days after the date of enactment of this Act, the

Director of Intelligence shall issue the guidelines and submit the copy of those guidelines previously required by section 309(b) of the Intelligence Authorization Act for Fiscal Year 1998 (50 U.S.C. 403-3 note).

(6) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out the provisions of this subsection.

#### **SEC. 203. COMMISSION ON INTEROPERABLE DATA SHARING.**

(a) **ESTABLISHMENT.**—Not later than one year after the date of enactment of the USA PATRIOT Act, the President shall establish a Commission on Interoperable Data Sharing (in this section referred to as the “Commission”). The purposes of the Commission shall be to—

(1) monitor the protections described in section 201(c)(3);

(2) provide oversight of the interoperable electronic data system described in this title; and

(3) report to Congress annually on the Commission’s findings and recommendations.

(b) **COMPOSITION.**—The Commission shall consist of nine members, who shall be appointed by the President, as follows:

(1) One member, who shall serve as Chair of the Commission.

(2) Eight members, who shall be appointed from a list of nominees jointly provided by the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate.

(c) **CONSIDERATIONS.**—The Commission shall consider recommendations regarding the following issues:

(1) Adequate protection of privacy concerns inherent in the design, implementation, or operation of the interoperable electronic data system.

(2) Timely adoption of security innovations, consistent with generally accepted security standards, to protect the integrity and confidentiality of information to prevent against the risks of accidental or unauthorized loss, access, destruction, use modification, or disclosure of information.

(3) The adequacy of mechanisms to permit the timely correction of errors in data maintained by the interoperable data system.

(4) Other protections against unauthorized use of data to guard against the misuse of the interoperable data system or the data maintained by the system, including recommendations for modifications to existing laws and regulations to sanction misuse of the system.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this section.

### **TITLE III—VISA ISSUANCE**

#### **SEC. 301. ELECTRONIC PROVISION OF VISA FILES.**

Section 221(a) of the Immigration and Nationality Act (8 U.S.C. 1201(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting “(1)” immediately after “(a)”; and

(3) by adding at the end the following:

“(2) The Secretary of State shall provide to the Service an electronic version of the visa file of an alien who has been issued a visa to ensure that the data in that visa file is available to immigration inspectors at the United States ports of entry before the arrival of the alien at such a port of entry.”.

#### **SEC. 302. IMPLEMENTATION OF AN INTEGRATED ENTRY AND EXIT DATA SYSTEM.**

(a) **DEVELOPMENT OF SYSTEM.**—In developing the integrated entry and exit data system for the ports of entry, as required by the Immigration and Naturalization Service Data Management Improvement Act of 2000 (Public Law 106-215), the Attorney General and the Secretary of State shall—

(1) implement, fund, and use a technology standard under section 403(c) of the USA PATRIOT Act (as amended by sections 201(c)(5) and 202(a)(3)(B)) at United States ports of entry and at consular posts abroad;

(2) establish a database containing the arrival and departure data from machine-readable visas, passports, and other travel and entry documents possessed by aliens; and

(3) make interoperable all security databases relevant to making determinations of admissibility under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182).

(b) **IMPLEMENTATION.**—In implementing the provisions of subsection (a), the Immigration and Naturalization Service and the Department of State shall—

(1) utilize technologies that facilitate the lawful and efficient cross-border movement of commerce and persons without compromising the safety and security of the United States; and

(2) consider implementing the North American National Security Program described in section 401.

#### **SEC. 303. MACHINE-READABLE, TAMPER-RESISTANT ENTRY AND EXIT DOCUMENTS.**

(a) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Attorney General, the Secretary of State, and the National Institute of Standards and Technology (NIST), acting jointly, shall submit to the appropriate committees of Congress a comprehensive report assessing the actions that will be necessary, and the considerations to be taken into account, to achieve fully, not later than October 26, 2003—

(A) implementation of the requirements of subsections (b) and (c); and

(B) deployment of the equipment and software to allow biometric comparison of the documents described in subsections (b) and (c).

(2) **ESTIMATES.**—In addition to the assessment required by paragraph (1), each report shall include an estimate of the costs to be incurred, and the personnel, man-hours, and other support required, by the Department of Justice, the Department of State, and NIST to achieve the objectives of subparagraphs (A) and (B) of paragraph (1).

(b) **REQUIREMENTS.**—

(1) **IN GENERAL.**—Not later than October 26, 2003, the Attorney General and the Secretary of State shall issue to aliens only machine-readable, tamper-resistant visas and travel and entry documents that use biometric identifiers. The Attorney General and the Secretary of State shall jointly establish biometric identifiers standards to be employed on such visas and travel and entry documents from among those biometric identifiers recognized by domestic and international standards organizations.

(2) **READERS AND SCANNERS AT PORTS OF ENTRY.**—

(A) **IN GENERAL.**—Not later than October 26, 2003, the Attorney General, in consultation with the Secretary of State, shall install at all ports of entry of the United States equipment and software to allow biometric comparison of all United States visas and travel and entry documents issued to

aliens, and passports issued pursuant to subsection (c)(1).

(B) **USE OF READERS AND SCANNERS.**—The Attorney General, in consultation with the Secretary of State, shall utilize biometric data readers and scanners that—

(i) domestic and international standards organizations determine to be highly accurate when used to verify identity; and

(ii) can read the biometric identifiers utilized under subsections (b)(1) and (c)(1).

(3) **USE OF TECHNOLOGY STANDARD.**—The systems employed to implement paragraphs (1) and (2) shall utilize the technology standard established pursuant to section 403(c) of the USA PATRIOT Act, as amended by section 201(c)(5) and 202(a)(3)(B).

(c) **TECHNOLOGY STANDARD FOR VISA WAIVER PARTICIPANTS.**—

(1) **CERTIFICATION REQUIREMENT.**—Not later than October 26, 2003, the government of each country that is designated to participate in the visa waiver program established under section 217 of the Immigration and Nationality Act shall certify, as a condition for designation or continuation of that designation, that it has a program to issue to its nationals machine-readable passports that are tamper-resistant and incorporate biometric identifiers that comply with applicable biometric identifiers standards established by the International Civil Aviation Organization. This paragraph shall not be construed to rescind the requirement of section 217(a)(3) of the Immigration and Nationality Act.

(2) **USE OF TECHNOLOGY STANDARD.**—On and after October 26, 2003, any alien applying for admission under the visa waiver program shall present a passport that meets the requirements of paragraph (1) unless the alien's passport was issued prior to that date.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section, including reimbursement to international and domestic standards organizations.

#### **SEC. 304. TERRORIST LOOKOUT COMMITTEES.**

(a) **ESTABLISHMENT.**—The Secretary of State shall require a terrorist lookout committee to be maintained within each United States mission.

(b) **PURPOSE.**—The purpose of each committee established under subsection (a) shall be—

(1) to utilize the cooperative resources of all elements of the United States mission in the country in which the consular post is located to identify known or potential terrorists and to develop information on those individuals;

(2) to ensure that such information is routinely and consistently brought to the attention of appropriate United States officials for use in administering the immigration laws of the United States; and

(3) to ensure that the names of known and suspected terrorists are entered into the appropriate lookout databases.

(c) **COMPOSITION; CHAIR.**—The Secretary shall establish rules governing the composition of such committees.

(d) **MEETINGS.**—The committee shall meet at least monthly to share information pertaining to the committee's purpose as described in subsection (b)(2).

(e) **PERIODIC REPORTS.**—The committee shall submit quarterly reports to the Secretary of State describing the committee's activities, whether or not information on known or suspected terrorists was developed during the quarter.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such

sums as may be necessary to implement this section.

#### **SEC. 305. IMPROVED TRAINING FOR CONSULAR OFFICERS.**

(a) **TRAINING.**—The Secretary of State shall require that all consular officers responsible for adjudicating visa applications, before undertaking to perform consular responsibilities, receive specialized training in the effective screening of visa applicants who pose a potential threat to the safety or security of the United States. Such officers shall be specially and extensively trained in the identification of aliens inadmissible under section 212(a)(3) (A) and (B) of the Immigration and Nationality Act, interagency and international intelligence sharing regarding terrorists and terrorism, and cultural-sensitivity toward visa applicants.

(b) **USE OF FOREIGN INTELLIGENCE INFORMATION.**—As an ongoing component of the training required in subsection (a), the Secretary of State shall coordinate with the Assistant to the President for Homeland Security, Federal law enforcement agencies, and the intelligence community to compile and disseminate to the Bureau of Consular Affairs reports, bulletins, updates, and other current unclassified information relevant to terrorists and terrorism and to screening visa applicants who pose a potential threat to the safety or security of the United States.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to implement this section.

#### **SEC. 306. RESTRICTION ON ISSUANCE OF VISAS TO NONIMMIGRANTS FROM COUNTRIES THAT ARE STATE SPONSORS OF INTERNATIONAL TERRORISM.**

(a) **IN GENERAL.**—No nonimmigrant visa under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) shall be issued to any alien from a country that is a state sponsor of international terrorism unless the Secretary of State determines, in consultation with the Attorney General and the heads of other appropriate United States agencies, that such alien does not pose a threat to the safety or national security of the United States. In making a determination under this subsection, the Secretary of State shall apply standards developed by the Secretary of State, in consultation with the Attorney General and the heads of other appropriate United States agencies, that are applicable to the nationals of such states.

(b) **STATE SPONSOR OF INTERNATIONAL TERRORISM DEFINED.**—

(1) **IN GENERAL.**—In this section, the term "state sponsor of international terrorism" means any country the government of which has been determined by the Secretary of State under any of the laws specified in paragraph (2) to have repeatedly provided support for acts of international terrorism.

(2) **LAWS UNDER WHICH DETERMINATIONS WERE MADE.**—The laws specified in this paragraph are the following:

(A) Section 6(j)(1)(A) of the Export Administration Act of 1979 (or successor statute).

(B) Section 40(d) of the Arms Export Control Act.

(C) Section 620A(a) of the Foreign Assistance Act of 1961.

#### **SEC. 307. DESIGNATION OF PROGRAM COUNTRIES UNDER THE VISA WAIVER PROGRAM.**

(a) **REPORTING PASSPORT THEFTS.**—As a condition of a country's initial designation or continued designation for participation in the visa waiver program under section 217 of the Immigration and Nationality Act (8

U.S.C. 1187), the Attorney General and the Secretary of State shall consider whether the country reports to the United States Government on a timely basis the theft of blank passports issued by that country.

(b) **CHECK OF LOOKOUT DATABASES.**—Prior to the admission of an alien under the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), the Immigration and Naturalization Service shall determine that the applicant for admission does not appear in any of the appropriate lookout databases available to immigration inspectors at the time the alien seeks admission to the United States.

#### **SEC. 308. TRACKING SYSTEM FOR STOLEN PASSPORTS.**

(a) **ENTERING STOLEN PASSPORT IDENTIFICATION NUMBERS IN THE INTEROPERABLE DATA SYSTEM.**—

(1) **IN GENERAL.**—Beginning with implementation under section 202 of the law enforcement and intelligence data system, not later than 72 hours after receiving notification of the loss or theft of a United States or foreign passport, the Attorney General and the Secretary of State, as appropriate, shall enter into such system the corresponding identification number for the lost or stolen passport.

(2) **ENTRY OF INFORMATION ON PREVIOUSLY LOST OR STOLEN PASSPORTS.**—To the extent practicable, the Attorney General, in consultation with the Secretary of State, shall enter into such system the corresponding identification numbers for the United States and foreign passports lost or stolen prior to the implementation of such system.

(b) **TRANSITION PERIOD.**—Until such time as the law enforcement and intelligence data system described in section 202 is fully implemented, the Attorney General shall enter the data described in subsection (a) into an existing data system being used to determine the admissibility or deportability of aliens.

#### **SEC. 309. IDENTIFICATION DOCUMENTS FOR CERTAIN NEWLY ADMITTED ALIENS.**

Not later than 180 days after the date of enactment of this Act, the Attorney General shall ensure that, immediately upon the arrival in the United States of an individual admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or immediately upon an alien being granted asylum under section 208 of such Act (8 U.S.C. 1158), the alien will be issued an employment authorization document. Such document shall, at a minimum, contain the fingerprint and photograph of such alien.

#### **TITLE IV—ADMISSION AND INSPECTION OF ALIENS**

#### **SEC. 401. STUDY OF THE FEASIBILITY OF A NORTH AMERICAN NATIONAL SECURITY PROGRAM.**

(a) **IN GENERAL.**—The President shall conduct a study of the feasibility of establishing a North American National Security Program to enhance the mutual security and safety of the United States, Canada, and Mexico.

(b) **STUDY ELEMENTS.**—In conducting the study required by subsection (a), the officials specified in subsection (a) shall consider the following:

(1) **PRECLEARANCE.**—The feasibility of establishing a program enabling foreign national travelers to the United States to submit voluntarily to a preclearance procedure established by the Department of State and the Immigration and Naturalization Service to determine whether such travelers are admissible to the United States under section 212 of the Immigration and Nationality Act



(8 U.S.C. 1182). Consideration shall be given to the feasibility of expanding the preclearance program to include the preclearance both of foreign nationals traveling to Canada and foreign nationals traveling to Mexico.

(2) PREINSPECTION.—The feasibility of expanding preinspection facilities at foreign airports as described in section 235A of the Immigration and Nationality Act (8 U.S.C. 1225). Consideration shall be given to the feasibility of expanding preinspections to foreign nationals on air flights destined for Canada and Mexico, and the cross training and funding of inspectors from Canada and Mexico.

(3) CONDITIONS.—A determination of the measures necessary to ensure that the conditions required by section 235A(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1225a(a)(5)) are satisfied, including consultation with experts recognized for their expertise regarding the conditions required by that section.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the President shall submit to the appropriate committees of Congress a report setting forth the findings of the study conducted under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

#### SEC. 402. PASSENGER MANIFESTS.

(a) IN GENERAL.—Section 231 of the Immigration and Nationality Act (8 U.S.C. 1221(a)) is amended—

(1) by striking subsections (a), (b), (d), and (e);

(2) by redesignating subsection (c) as subsection (i); and

(3) by inserting after “SEC. 231.” the following new subsections:

“(a) ARRIVAL MANIFESTS.—For each commercial vessel or aircraft transporting any person to any seaport or airport of the United States from any place outside the United States, it shall be the duty of an appropriate official specified in subsection (d) to provide to an immigration officer at that port manifest information about each passenger, crew member, and other occupant transported on such vessel or aircraft prior to arrival at that port.

“(b) DEPARTURE MANIFESTS.—For each commercial vessel or aircraft taking passengers on board at any seaport or airport of the United States, who are destined to any place outside the United States, it shall be the duty of an appropriate official specified in subsection (d) to provide an immigration officer before departure from such port manifest information about each passenger, crew member, and other occupant to be transported.

“(c) CONTENTS OF MANIFEST.—The information to be provided with respect to each person listed on a manifest required to be provided under subsection (a) or (b) shall include—

- “(1) complete name;
- “(2) date of birth;
- “(3) citizenship;
- “(4) sex;
- “(5) passport number and country of issuance;
- “(6) country of residence;
- “(7) United States visa number, date, and place of issuance, where applicable;
- “(8) alien registration number, where applicable;
- “(9) United States address while in the United States; and

“(10) such other information the Attorney General, in consultation with the Secretary of State, and the Secretary of Treasury determines as being necessary for the identification of the persons transported and for the enforcement of the immigration laws and to protect safety and national security.

“(d) APPROPRIATE OFFICIALS SPECIFIED.—An appropriate official specified in this subsection is the master or commanding officer, or authorized agent, owner, or consignee, of the commercial vessel or aircraft concerned.

“(e) DEADLINE FOR REQUIREMENT OF ELECTRONIC TRANSMISSION OF MANIFEST INFORMATION.—Not later than January 1, 2003, manifest information required to be provided under subsection (a) or (b) shall be transmitted electronically by the appropriate official specified in subsection (d) to an immigration officer.

“(f) PROHIBITION.—No operator of any private or public carrier that is under a duty to provide manifest information under this section shall be granted clearance papers until the appropriate official specified in subsection (d) has complied with the requirements of this subsection, except that in the case of commercial vessels, aircraft, or land carriers that the Attorney General determines are making regular trips to the United States, the Attorney General may, when expedient, arrange for the provision of manifest information of persons departing the United States at a later date.

“(g) PENALTIES AGAINST NONCOMPLYING SHIPMENTS, AIRCRAFT, OR CARRIERS.—If it shall appear to the satisfaction of the Attorney General that an appropriate official specified in subsection (d), any public or private carrier, or the agent of any transportation line, as the case may be, has refused or failed to provide manifest information required by subsection (a) or (b), or that the manifest information provided is not accurate and full based on information provided to the carrier, such official, carrier, or agent, as the case may be, shall pay to the Commissioner the sum of \$300 for each person with respect to whom such accurate and full manifest information is not provided, or with respect to whom the manifest information is not prepared as prescribed by this section or by regulations issued pursuant thereto. No commercial vessel, aircraft, or land carrier shall be granted clearance pending determination of the question of the liability to the payment of such penalty, or while it remains unpaid, and no such penalty shall be remitted or refunded, except that clearance may be granted prior to the determination of such question upon the deposit with the Commissioner of a bond or undertaking approved by the Attorney General or a sum sufficient to cover such penalty.

“(h) WAIVER.—The Attorney General may waive the requirements of subsection (a) or (b) upon such circumstances and conditions as the Attorney General may by regulation prescribe.”.

(b) EXTENSION TO LAND CARRIERS.—Not later than two years after the date of enactment of this Act, the President shall conduct a study regarding the feasibility of extending the requirements of subsections (a) and (b) of section 231 of the Immigration and Nationality Act (8 U.S.C. 1221), as amended by subsection (a), to any commercial carrier transporting persons by land to or from the United States. The study shall focus on the manner in which such requirement would be implemented to enhance the national security of the United States and the efficient cross-border flow of commerce and persons.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with re-

spect to persons arriving in, or departing from, the United States on or after the date of enactment of this Act.

#### SEC. 405. TIME PERIOD FOR INSPECTIONS.

(a) REPEAL OF TIME LIMITATION ON INSPECTIONS.—Section 286(g) of the Immigration and Nationality Act (8 U.S.C. 1356(g)) is amended by striking “, within forty-five minutes of their presentation for inspection,”.

(b) STAFFING LEVELS AT PORTS OF ENTRY.—The Immigration and Naturalization Service shall staff ports of entry at such levels that would be adequate to meet traffic flow and inspection time objectives efficiently without compromising the safety and security of the United States. Estimated staffing levels under workforce models for the Immigration and Naturalization Service shall be based on the goal of providing immigration services described in section 286(g) of such Act within 45 minutes of a passenger's presentation for inspection.

### TITLE V—FOREIGN STUDENTS AND EXCHANGE VISITORS

#### SEC. 501. FOREIGN STUDENT MONITORING PROGRAM.

(a) STRENGTHENING REQUIREMENTS FOR IMPLEMENTATION OF MONITORING PROGRAM.—

(1) MONITORING AND VERIFICATION OF INFORMATION.—Section 641(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(a)) is amended by adding at the end the following:

“(3) ALIENS FOR WHOM A VISA IS REQUIRED.—The Attorney General, in consultation with the Secretary of State, shall establish an electronic means to monitor and verify—

“(A) the issuance of documentation of acceptance of a foreign student by an approved institution of higher education or other approved educational institution, or of an exchange visitor program participant by a designated exchange visitor program;

“(B) the transmittal of the documentation referred to in subparagraph (A) to the Department of State for use by the Bureau of Consular Affairs;

“(C) the issuance of a visa to a foreign student or an exchange visitor program participant;

“(D) the admission into the United States of the foreign student or exchange visitor program participant;

“(E) the notification to an approved institution of higher education, other approved educational institution, or exchange visitor program sponsor that the foreign student or exchange visitor participant has been admitted into the United States;

“(F) the registration and enrollment of that foreign student in such approved institution of higher education or other approved educational institution, or the participation of that exchange visitor in such designated exchange visitor program, as the case may be; and

“(G) any other relevant act by the foreign student or exchange visitor program participant, including a changing of school or designated exchange visitor program and any termination of studies or participation in a designated exchange visitor program.

“(4) REPORTING REQUIREMENTS.—Not later than 30 days after the deadline for registering for classes for an academic term of an approved institution of higher education or other approved educational institution for which documentation is issued for an alien as described in paragraph (3)(A), or the scheduled commencement of participation by an alien in a designated exchange visitor program, as the case may be, the institution or program, respectively, shall report to the

Immigration and Naturalization Service any failure of the alien to enroll or to commence participation.”.

(2) **ADDITIONAL REQUIREMENTS FOR DATA TO BE COLLECTED.**—Section 641(c)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(c)(1)) is amended—

(A) by striking “and” at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting “; and”; and

(C) by adding at the end the following:

“(E) the date of entry and port of entry;

“(F) the date of the alien’s enrollment in an approved institution of higher education, other approved educational institution, or designated exchange visitor program in the United States;

“(G) the degree program, if applicable, and field of study; and

“(H) the date of the alien’s termination of enrollment and the reason for such termination (including graduation, disciplinary action or other dismissal, and failure to re-enroll).”.

(3) **REPORTING REQUIREMENTS.**—Section 641(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(c)) is amended by adding at the end the following new paragraph:

“(5) **REPORTING REQUIREMENTS.**—The Attorney General shall prescribe by regulation reporting requirements by taking into account the curriculum calendar of the approved institution of higher education, other approved educational institution, or exchange visitor program.”.

(b) **INFORMATION REQUIRED OF THE VISA APPLICANT.**—Prior to the issuance of a visa under subparagraph (F), subparagraph (M), or, with respect to an alien seeking to attend an approved institution of higher education, subparagraph (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), each alien applying for such visa shall provide to a consular officer the following information:

(1) The alien’s address in the country of origin.

(2) The names and addresses of the alien’s spouse, children, parents, and siblings.

(3) The names of contacts of the alien in the alien’s country of residence who could verify information about the alien.

(4) Previous work history, if any, including the names and addresses of employers.

(c) **TRANSITIONAL PROGRAM.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of enactment of this Act and until such time as the system described in section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act (as amended by subsection (a)) is fully implemented, the following requirements shall apply:

(A) **RESTRICTIONS ON ISSUANCE OF VISAS.**—A visa may not be issued to an alien under subparagraph (F), subparagraph (M), or, with respect to an alien seeking to attend an approved institution of higher education, subparagraph (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), unless—

(i) the Department of State has received from an approved institution of higher education or other approved educational institution electronic evidence of documentation of the alien’s acceptance at that institution; and

(ii) the consular officer has adequately reviewed the applicant’s visa record.

(B) **NOTIFICATION UPON VISA ISSUANCE.**—Upon the issuance of a visa under section

101(a)(15) (F) or (M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F) or (M)) to an alien, the Secretary of State shall transmit to the Immigration and Naturalization Service a notification of the issuance of that visa.

(C) **NOTIFICATION UPON ADMISSION OF ALIEN.**—The Immigration and Naturalization Service shall notify the approved institution of higher education or other approved educational institution that an alien accepted for such institution or program has been admitted to the United States.

(D) **NOTIFICATION OF FAILURE OF ENROLLMENT.**—Not later than 30 days after the deadline for registering for classes for an academic term, the approved institution of higher education or other approved educational institution shall inform the Immigration and Naturalization Service through data-sharing arrangements of any failure of any alien described in subparagraph (C) to enroll or to commence participation.

(2) **REQUIREMENT TO SUBMIT LIST OF APPROVED INSTITUTIONS.**—Not later than 30 days after the date of enactment of this Act, the Attorney General shall provide the Secretary of State with a list of all approved institutions of higher education or other approved educational institutions that are authorized to receive nonimmigrants under section 101(a)(15) (F) or (M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F) or (M)).

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

#### **SEC. 502. REVIEW OF INSTITUTIONS AND OTHER ENTITIES AUTHORIZED TO ENROLL OR SPONSOR CERTAIN NON-IMMIGRANTS.**

(a) **PERIODIC REVIEW OF COMPLIANCE.**—The Commissioner of Immigration and Naturalization, in consultation with the Secretary of Education, shall conduct periodic reviews of the institutions certified to receive nonimmigrants under section 101(a)(15) (F), (M), or (J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F), (M), or (J)). Each review shall determine whether the institutions are in compliance with—

(1) recordkeeping and reporting requirements to receive nonimmigrants under section 101(a)(15) (F), (M), or (J) of that Act (8 U.S.C. 1101(a)(15)(F), (M), or (J)); and

(2) recordkeeping and reporting requirements under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372).

(b) **PERIODIC REVIEW OF SPONSORS OF EXCHANGE VISITORS.**—

(1) **REQUIREMENT FOR REVIEWS.**—The Secretary of State shall conduct periodic reviews of the entities designated to sponsor exchange visitor program participants under section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)).

(2) **DETERMINATIONS.**—On the basis of reviews of entities under paragraph (1), the Secretary shall determine whether the entities are in compliance with—

(A) recordkeeping and reporting requirements to receive nonimmigrant exchange visitor program participants under section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)); and

(B) recordkeeping and reporting requirements under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372).

(c) **EFFECT OF FAILURE TO COMPLY.**—Failure of an institution or other entity to comply with the recordkeeping and reporting requirements to receive nonimmigrant stu-

dents or exchange visitor program participants under section 101(a)(15) (F), (M), or (J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) (F), (M), or (J)), or section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372), may, at the election of the Commissioner of Immigration and Naturalization or the Secretary of State, result in the termination, suspension, or limitation of the institution’s approval to receive such students or the termination of the other entity’s designation to sponsor exchange visitor program participants, as the case may be.

#### **TITLE VI—MISCELLANEOUS PROVISIONS**

##### **SEC. 601. EXTENSION OF DEADLINE FOR IMPROVEMENT IN BORDER CROSSING IDENTIFICATION CARDS.**

Section 104(b)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note) is amended by striking “5 years” and inserting “6 years”.

##### **SEC. 602. GENERAL ACCOUNTING OFFICE STUDY.**

(a) **REQUIREMENT FOR STUDY.**—

(1) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study to determine the feasibility and utility of implementing a requirement that each nonimmigrant alien in the United States submit to the Commissioner of Immigration and Naturalization each year a current address and, where applicable, the name and address of an employer.

(2) **NONIMMIGRANT ALIEN DEFINED.**—In paragraph (1), the term “nonimmigrant alien” means an alien described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study under subsection (a). The report shall include the Comptroller General’s findings, together with any recommendations that the Comptroller General considers appropriate.

##### **SEC. 603. INTERNATIONAL COOPERATION.**

(a) **INTERNATIONAL ELECTRONIC DATA SYSTEM.**—The Secretary of State and the Commissioner of Immigration and Naturalization, in consultation with the Assistant to the President for Homeland Security, shall jointly conduct a study of the alternative approaches (including the costs of, and procedures necessary for, each alternative approach) for encouraging or requiring Canada, Mexico, and countries treated as visa waiver program countries under section 217 of the Immigration and Nationality Act to develop an intergovernmental network of interoperable electronic data systems that—

(1) facilitates real-time access to that country’s law enforcement and intelligence information that is needed by the Department of State and the Immigration and Naturalization Service to screen visa applicants and applicants for admission into the United States to identify aliens who are inadmissible or deportable under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.);

(2) is interoperable with the electronic data system implemented under section 202; and

(3) performs in accordance with implementation of the technology standard referred to in section 202(a).

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary of State and the Attorney General shall submit to the appropriate committees of Congress a report setting forth the findings of the study conducted under subsection (a).



**SEC. 604. STATUTORY CONSTRUCTION.**

Nothing in this Act shall be construed to impose requirements that are inconsistent with the North American Free Trade Agreement or to require additional documents for aliens for whom documentary requirements are waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)).

**SEC. 605. ANNUAL REPORT ON ALIENS WHO FAIL TO APPEAR AFTER RELEASE ON OWN RECOGNIZANCE.**

(a) **REQUIREMENT FOR REPORT.**—Not later than January 15 of each year, the Attorney General shall submit to the appropriate committees of Congress a report on the total number of aliens who, during the preceding year, failed to attend a removal proceeding after having been arrested outside a port of entry, served a notice to appear under section 239(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1229(a)(1)), and released on the alien's own recognizance. The report shall also take into account the number of cases in which there were defects in notices of hearing or the service of notices of hearing, together with a description and analysis of the effects, if any, that the defects had on the attendance of aliens at the proceedings.

(b) **INITIAL REPORT.**—Notwithstanding the time for submission of the annual report provided in subsection (a), the report for 2001 shall be submitted not later than 6 months after the date of enactment of this Act.

**SEC. 606. RETENTION OF NONIMMIGRANT VISA APPLICATIONS BY THE DEPARTMENT OF STATE.**

The Department of State shall retain, for a period of seven years from the date of application, every application for a non-immigrant visa under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) in a form that will be admissible in the courts of the United States or in administrative proceeding, including removal proceedings under such Act, without regard to whether the application was approved or denied.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. **SENSENBRENNER**) and the gentlewoman from Texas (Ms. **JACKSON-LEE**) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. **SENSENBRENNER**).

**GENERAL LEAVE**

Mr. **SENSENBRENNER**. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3525, as amended.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. **SENSENBRENNER**. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, since September 11, we have learned how deeply vulnerable our immigration system is to exploitation by aliens who wish to harm Americans. H.R. 3525 makes needed changes to our immigration laws to fight terrorism and to prevent such exploitation.

I will outline some of the bill's most significant provisions. Most impor-

tantly, by October 2003, this bill requires the Attorney General and the Secretary of State to issue machine readable, tamper-resistant visas that use standardized biometric identifiers. This will allow immigration inspectors to determine whether a visa properly identifies the visa holder.

Similarly, aliens seeking to enter the United States under the visa waiver program with passports issued after October 2003 must possess tamper-resistant, machine readable passports with standardized biometric identifiers. The bill also requires the Attorney General to enter into a data system the identification numbers of stolen U.S. and foreign passports. Our military recently found blank European and United States passports in the caves of Afghanistan after the al Qaeda terrorists fled. We must ensure that passports and other documents presented to our inspectors are not counterfeit and are being used by the aliens to whom they were issued.

The bill directs our law enforcement agencies and intelligence community to share information with the State Department and the INS relevant to the admissibility and deportability of aliens. This will result in lookout lists that are much more thorough and will do more to prevent bad actors from obtaining U.S. visas or entering the United States.

As the Border Patrol succeeds in controlling the border, more aliens take a chance at ports of entry, placing a strain on the limited staff of immigration service inspectors. Likewise, INS investigative resource needs have long been neglected. This bill helps fill these critical gaps. H.R. 3525 authorizes appropriation to hire at least 200 full-time INS inspectors, and at least 200 full-time INS investigators.

Another long-standing problem at the INS is the low pay for Border Patrol agents and INS inspectors. This has led many trained Border Patrol agents and inspectors to leave the INS for other law enforcement agencies offering better pay, such as the Air Marshals. Former Border Patrol agents make up 75 percent of the first Air Marshals class. H.R. 3525 authorizes appropriations to increase the pay of Border Patrol agents and inspectors in order to help the INS retain its best people.

The bill requires the Secretary of State to give special training to all Consular officers in effective screening of visa applicants who pose a potential threat to the safety or security of the United States. The bill also requires a higher level of scrutiny of aliens from countries that sponsor international terrorism before nonimmigrant visas are issued. It requires Consular officers issuing visas to provide the INS an electronic version of the alien's visa file to ensure that the visa file data is available to immigration inspectors at

U.S. ports of entry before the arrival of the alien at the port.

The bill strengthens the foreign student tracking system by requiring that it track the acceptance of aliens by educational institutions, the issuance of visas to aliens, the admission into the United States of the aliens, the notification of education institution of the admission of aliens slated to attend them, and the enrollment of aliens at the institutions.

Finally, the bill requires the State Department to keep visa applications, whether granted or denied, on file for 7 years, so that the government can determine whether an alien sought a visa in the past, what type of visa and whether the visa was granted or denied. The bill fills many gaps in our current immigration law enforcement system. We must put these essential tools into the hands of our law enforcement agents.

I urge my colleagues to pass this legislation.

Let me publicly thank everybody who has worked on this bill, particularly Senators **KENNEDY**, **FEINSTEIN**, **BROWNBACK** and **KYL**, the gentleman from Michigan (Mr. **CONYERS**), the gentlewoman from Texas (Ms. **JACKSON-LEE**), and the gentleman from Pennsylvania (Mr. **GEKAS**), and the staffs on both the Senate and House sides.

Let me also say that it is my regret that, because of jurisdictional problems, we cannot deal with giving the Customs Service more personnel to help them do their jobs at the border, and it is my hope that the Committee on Ways and Means will promptly pass legislation to fill this hole.

I also regret that we are not able to provide in this legislation a requirement that manifests of arriving and departing airplanes and vessels be filed with the immigration service so that visa numbers can be matched, so the INS particularly, for arriving airplanes and vessels, will be tipped off on who is on board them. It is my hope the Committee on Transportation and Infrastructure will deal with this issue promptly in other legislation.

Again, this is a good bill. It is a bill that is sorely needed. I urge Members to support it.

Madam Speaker, I reserve the balance of my time.

Ms. **JACKSON-LEE** of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me, first of all, thank the chairman of the Committee on the Judiciary for his, again, persistence and determination in working through this legislation and working with the Senate. I might add my appreciation also to Senators **KENNEDY**, **BROWNBACK**, **FEINSTEIN** and **KYL**, and as well our ranking member, the gentleman from Michigan (Mr. **CONYERS**) and the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. **GEKAS**).

I can say to my colleagues that this legislation is long overdue. In fact, many of these issues have been issues that we have discussed dealing with redeveloping and refining the Nation's immigration policies even preceding the horrific acts of September 11. Now that that tragedy has occurred with the terrible loss of life of Americans, it focuses us to ensure that we understand this is even more important.

But as I rise to support this legislation, let me be very clear and be very cautious that it is important that we in this country separate out legitimate and focused immigration policy from the concept of ferreting out terrorists. I am glad that this legislation provides for foreign consulates an opportunity to identify potential terrorists by establishing terrorist lookout committees.

□ 1745

I am very grateful for that. Because one of the problems that generated out of September 11, the heinousness of the act, the ability of terrorists coming into this country, many of them had legitimate visas that they had received from our consulate offices overseas; and I guess to add extra insult to injury, some of those individuals were now illegal because they had overstayed their visas. That is an improvement, and I believe that this legislation, the Enhanced Border Security and Visa Entry Reform Act of 2001, is a plus to be able to add to the improvement of that terrible tragedy, or to fix the terrible tragedy by creating an opportunity for us to have a system where individuals can be checked before they even receive a visa.

Madam Speaker, there is something even more important, if you will, that is ongoing and that helps us establish an immigration policy, and that is the improving of the resources and training and technology available to our border personnel in a critical component of our efforts to improve border security. That is something that we should have been doing even preceding the horrible incident of September 11. We have a very large Canadian border and, of course, a very large southern border. We already have been working on the southern border, and I must say that the numbers of Border Patrol agents have worked very hard to balance their responsibilities with the enforcement responsibilities. We have worked very hard to avoid racial profiling, but we realize that we must give those who protect our borders the resources.

This legislation waives a limitation on the hiring of full-time personnel, giving greater control to decision-makers at the border and increasing the number of border personnel.

It raises the pay of INS naturalization service border personnel and provides Custom agents, Border Patrol,

and INS inspectors with essential training and cross-training. Funds are authorized to the State Department to improve the screening of visa applicants and strengthen the coordination of international intelligence information. One of the failings that was discovered due to the tragedy on September 11, or out of the tragedy of September 11, was the inability or the lack of the utilization of sharing intelligence or information between agencies.

This bill focuses the agencies on the importance and the responsibility and gives them the tools and says to them, you must share intelligence, you must share information, you must help us thwart the terrible devastation of terrorists coming into this country or those coming here wanting to do harm.

Funds are also authorized to enhance technology available to the INS and Customs Service to improve and expand technology and to facilitate the flow of people and commerce at our ports of entry. To offset the cost of such improvements, the Attorney General is authorized to increase land border fees and the State Department is permitted to raise fees from the use of machine-readable visas. I do know that some aspects of the legislation have been deleted, and I hope that we will be able to ensure that all aspects of this legislation that may have been questioned as it relates to jurisdiction will get eventually added.

In addition, the Attorney General is required to use authorized funds for installing biometric data readers and scanners at U.S. ports of entry. One of the difficulties at the southern border was that the individuals coming across the Mexican borders have their biometric cards, but we did not have the staff nor the readers of those cards; and there was a great logjam of those individuals who were legally trying to access the United States and were doing everything that they should have done. We must not tolerate that, and improve the systems at the border.

We must also improve coordination and information-sharing between the State Department, the INS, law enforcement, and intelligence agencies. Building on the progress made by the antiterrorism bill, this legislation directs the President to devise and implement a comprehensive report and plan to provide the access these agencies need to safeguard our country against terrorism.

Further, this legislation requires the development of the interoperable electronic data system with specific name recognition capabilities to provide appropriate foreign service officers and Federal agents with immediate access to relevant law enforcement and intelligence database information.

We must also improve our ability to monitor foreign nationals who are present in the United States. Consulate

offices who issue visas will be required to transmit electronic versions of visa files to the INS so that critical information is available. A key failure on September 11, individuals who had overstayed their visas, there was no way, or there was not any attempt to track them and determine that they needed to be removed from this country.

This legislation also gives greater direction to the integrated entry and exit system established in 1996 by IIRIRA, including use of specific technology standards and technologies to facilitate across the border. What this does, it provides the INS with state-of-the-art technology at our borders. There has to be a better way and a better system and that is to improve the technology of our particular needs at the border.

We are also working with our consulate offices in ensuring that there is a relationship with the Secretary of State. Gaps still exist in the monitoring of foreign students. Accordingly, this legislation expands the monitoring program to include flight schools, language-training programs, and vocational schools; and it improves the reporting requirements on the INS as to the individuals going to these schools. In addition, this legislation requires the INS, in consultation with the Department of Education, to periodically review institutions enrolling foreign students and receiving exchange visitors to ensure that they adhere to the reporting and recordkeeping responsibilities.

What we have, Madam Speaker, is an opportunity to address the failings of not only September 11, but we have the opportunities to address the problems that we have had heretofore.

Let me also note that we are very gratified with the inclusion of language from the legislation that the gentleman from Texas (Mr. REYES) and myself cosponsored that for all journeymen, border patrol agents, and inspectors who have completed at least 1 year of service and are receiving an annual rate of basic pay for positions GS-9 of the general schedule under section 5332 will receive an annual increase in their rate so that we can bind comparable and qualified individuals and provide a career pattern.

Let me simply say in closing, Madam Speaker, that I too have a disappointment in the comparing of the needs of developing a real immigration policy with the needs of finding terrorists. I really think that that is a reason why we were not able to bring 245(i) to the floor of the House, a simple bill that would allow for the adjustment of individuals who are here, who are accessing legalization in the right manner. Can we imagine that we could not bring this bill to the floor of the House to allow a simple adjustment so that these individuals could be reunited



with their families for the holiday. I am hoping that we will come to our senses and realize that immigration is not terrorism, that immigration is not lawlessness, that we are a country of immigrants and, as well, laws, and we should find a way to pass 245(i) to reunite our families.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Madam Speaker, I thank the gentleman for yielding me this time.

I also rise in strong support of H.R. 3525, which does, indeed, improve our visa system and better secure our borders; and I want to thank the chairman and the House leadership for bringing this legislation up to date to improve our systems for border security and monitoring foreign visitors to the United States. This legislation, the Enhanced Border Security Act of Visa Entry Reform Act of 2001, is a sensible bill and a positive and urgently needed step toward securing our borders and protecting Americans from potential terrorist attacks.

It has been widely reported that the ringleaders and other terrorists involved in attacks on September 11 used expired or false visas to enter our Nation to plan and conduct their terrible deeds. These facts are the most damaging evidence of the ongoing problem that millions of foreign visitors overstayed their visas and we need a much better system for enforcing the terms by which they enter and leave our country. An estimated 40 percent of the 5 million to 8 million illegal immigrants living in the United States last year were listed as overstays by the INS, although the agency admits that 1991 is the last year for which it could estimate the number of visa violators with any accuracy.

It is imperative that we make immediate changes in our ability to document and track foreign visitors to the United States to thwart future potential terrorist acts. This will require improved documentation and computerized systems for tracking the millions of foreign visitors who come to our Nation each year on a temporary basis with tourist, student, or temporary work visas. In 1998 the INS reported that 1 million foreign people came to the United States on a temporary basis.

A fresh look at the visa processing program is immediately needed. Six years ago, Congress directed the INS to gather the arrival and departure data of most foreign visitors to make sure they do not remain in the United States after the expiration of their authorized stays. A recent review by the Department of Justice Inspector General found INS officials mismanaged \$31 million aimed at automating that

system. Earlier this fall, I introduced legislation, the Visa Integrity and Security Act, or VISA Act, to strengthen our immigration system and to improve the ability of the INS to track all temporary visa holders. A number of the key provisions of that legislation were included in the important antiterrorism PATRIOT Act passed earlier this fall.

However, there is much work to be done; and H.R. 3525 takes much needed steps forward, such as implementing tamper-resistant visas using biometric identifiers for all aliens entering the U.S.; creating an electronic database to provide immediate access for U.S. officials to ensure visa applicants do not pose a threat to the United States; improving the system for tracking foreign student visas; and increasing funds for INS and Customs inspectors, Border Patrol agents, and State Department officers to perform these important screening duties.

Unfortunately, these dangerous times require us to better screen and track foreign visitors to the United States to ensure they are here for their stated purpose and only stay for the allotted time. Now is the time to make sure that these sound steps are implemented to improve the security of our country. We can still welcome and should welcome foreign visitors and we are a nation of immigrants; but we have the right and, indeed, the duty to know why they are in our Nation and if they are in for the right reasons, and that we set the terms for their stay.

For all of these reasons, I urge my colleagues to support H.R. 3525. We can take the additional steps needed to secure our borders while maintaining an open society.

Ms. JACKSON-LEE of Texas. Madam Speaker, it is my pleasure to yield 3 minutes to the distinguished gentleman from Texas (Mr. REYES), whose district is one of the districts that borders the southern border.

Mr. REYES. Madam Speaker, I thank the gentlewoman from Texas for yielding me this time.

Madam Speaker, let me begin by thanking the chairman of the Committee on the Judiciary (Mr. SENSENBRENNER) for bringing this important bill to the floor today. He has been willing to work with me on a number of issues in this bill, and I thank him for his efforts. I would also like to thank the ranking member, the gentleman from Michigan (Mr. CONYERS), for all of his assistance on this issue, as well as my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), for her hard work on bringing these issues forward and giving us these venues.

As the only Member of Congress with an immigration background, I have a unique perspective on many of these issues. The Enhanced Border Security and Visa Entry Reform Act is the product of a compromise between the House

and the Senate and includes a number of issues that many of us have been working on for many, many years. This bill includes the extension of the deadline for replacing old border-crossing cards with new laser visas. This 1-year extension will benefit thousands of families and struggling businesses along the border, and I applaud the chairman and the ranking member for including this extension.

Since September 11, Madam Speaker, our Nation's borders have looked more like parking lots than entry points into this country. This bill provides additional personnel and technology at our ports of entry; and while we need more INS and Customs personnel and much more than \$150 million in technology, this bill provides a good down payment for our border region.

This bill also provides the framework for information-sharing among Federal, State, and local law enforcement agencies. This cooperation is critical and vital to our homeland defense efforts. I am also supportive of the provision restricting the issuance of visas to nonimmigrants to countries that are state sponsors of terrorism.

Also included in this bill is a pay raise for hard-working Border Patrol agents and INS inspectors. We have been working on this for many, many years; and I am confident that this provision will help in our efforts in recruiting and retaining qualified Border Patrol agents and inspectors.

What is as important as what is in this bill is what is not included in this bill. Last night the White House and Senate and House negotiators agreed on this bill. The bill is what we have before us here today, with one notable exception, that is, the extension of section 245(i), which was pulled from the bill at the last minute at the insistence of a small group of Republican Members.

I am extremely disappointed, as are many other members of the Hispanic Caucus, that our leadership and the White House did not follow through on their commitment to immigrant families across this whole country. The President proclaimed that he supported the extension of 245(i), and we expected him to live up to his commitment to fight for this issue, as he has fought for many, many of these other priorities and issues such as tax cuts.

□ 1800

Sadly, last night we were again abandoned.

Madam Speaker, let us look at the facts surrounding the extension of 245(i). It allows immigrants who are otherwise eligible to adjust their status and to pay a fine and obtain their immigrant visas in the United States, instead of having to leave the country and pick up their visas.

Madam Speaker, all in all, I believe this is a good bill and I support it, and

I would ask all my colleagues to support this bill. It is important for our country and the security of our borders.

Mr. SENSENBRENNER. Madam Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, this is an issue I have been working on for a number of months, beginning with the introduction of the Visa Integrity and Security Act with the gentleman from Delaware (Mr. CASTLE) and the gentleman from Georgia (Mr. DEAL). This bill is an admirable and comprehensive enhancement of these efforts, which were largely included in the patriot antiterrorism legislation.

H.R. 3525 puts the focus of the problems in the system that will make it possible for terrorists to enter the country and live in the United States undetected, sometimes for years. By passing this bill, we are recognizing that those who are charged with defending the United States from persons who wish to do her harm will have the right tools necessary to man the front lines. This legislation provides the necessary tools.

From consular officers who will have the first encounter with visa applicants to the border officials that process their departure documents, this bill will utilize forward-looking technology to target those who are the problem: the terrorists, not the immigrants.

I urge passage of H.R. 3525.

Ms. JACKSON-LEE of Texas. Madam Speaker, it is my pleasure to yield 2 minutes to the distinguished gentleman from California (Mr. FILNER), who likewise has a district that has an extensive span at the southern border. We thank him for his leadership on this issue.

Mr. FILNER. Madam Speaker, I thank the gentlewoman for yielding time to me, and I thank the chairman for bringing us this bill.

I represent San Diego, California, home of the biggest border crossing between any two nations in the world. What we need more than anything is the dual job of stopping terrorists, but allowing the legal traffic to flow in an orderly fashion. Our businesses, our families, depend on a flow of traffic that can be predictable and it is regular.

What the chairman has done, as I understand it, is put 200 more positions for INS inspectors annually for the next 5 years, which will allow us to do both the security and the flow that is absolutely necessary.

I join the chairman in his regret that a jurisdictional dispute prevented Customs inspectors from being included in this bill, and I also join the gentleman in his call to bring that bill to us as quickly as possible. I am also pleased that the extension of the laser visa

boarding crossing card has been extended for a year that will allow us to make sure that people can get that card and use it properly.

I am disappointed that at the last minute, for some reason, section 601, what was section 601, that granted law enforcement status to INS inspectors, was removed. This is an absolute necessity, not only for the INS but for Customs and for many other Federal agencies. I hope that we can bring back that long-awaited adjustment of status for these law enforcement officers. We honor them if they die on the Law Enforcement Memorial in Washington, D.C., but as they live, they are not accorded that status.

I join the gentleman from Texas (Mr. REYES) and the gentlewoman from Texas (Ms. JACKSON-LEE) in their regret that the 245 extension has been removed, but I thank the chairman for giving us the resources over the next few years to allow us to keep the Level I alert that is so absolutely necessary to keep out terrorism, but to allow the border to have the resources necessary to have the flow of legal traffic. I thank the gentlewoman for her time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. RODRIGUEZ), who likewise has an expansive southern border, and has done a lot of work on this issue. I thank him for his leadership.

Mr. RODRIGUEZ. Madam Speaker, while I support the spirit of the bill, I am somewhat disappointed in the introduction and how we have heard the discussion on this bill, in that it is not allowing us an opportunity to place some very significant items on the bill.

As a Member who represents the border, I would have liked to have had the opportunity to provide some additional items. The border right now is having to struggle real hard after September 11. We are having a great deal of difficulty with long lines, long waits, as well as Customs that are having to work long hours and not being able to even take vacation during this Christmas period. We understand the reasons why, but we also have an obligation to provide the resources that are needed.

Since September 11, communities along the U.S.-Mexican borders have struggled to meet the new security demands. Long waiting times due to more thorough inspections, which are drastically needed, have adversely impacted many businesses also along the border that depend on the cross-border business that happens, and on commerce and traffic.

This is why I support providing more resources for the U.S. Customs Service to enhance their personnel and improve their technology capabilities. I am very pleased, and I want to thank the chairman for providing those resources.

The Customs Service currently needs over 900 additional Customs inspectors,

not only to ease the situation along the northern border with Canada, but to provide assistance to those working long and difficult shifts on the southern border, as well.

While I understand the need to place more INS and Customs inspectors along the northern border, we should not be remiss on our obligations to improve inspections on the southern border.

Furthermore, I am also disappointed that despite the White House support of H.R. 3525, it fails to include provisions to grant the temporary section 245(i) extensions. The removal of section 245(i) has torn families apart, and we need to really look at putting those families together again.

Ms. JACKSON-LEE of Texas. Madam Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Illinois (Mr. GUTIERREZ), one of the two chairs of the Immigration Task Force of the Democratic Caucus and a leader on these issues.

Mr. GUTIERREZ. Madam Speaker, I thank the gentlewoman for yielding time to me.

Madam Speaker, I come here thinking this is really a good bill, and at the same time, knowing and understanding that we had a better bill until last night, a bill which balanced the needs of our immigration policy; a bill that said 245(i) would be part of this bill.

I remember when I and other Members of the Hispanic Congressional Caucus early in this first term of President Bush met with the President, and he agreed to support 245(i). I remember once again when 245(i) ended in April 30 of this year, when I was heartened to hear the President of the United States come forward and say that we are going to continue with 245(i) and we are going to extend this important bill.

Many in America may ask, just what does it do? It allows families to stay together. It allows American citizens to get the permanent residency for their wives. It allows citizens of this country and permanent residents legally here in this country to allow their wives and their children, and yes, their moms and dads, their very immediate family, to stay here and not be separated.

Somebody would say, well, if they do not pay the penalty, what do they have to do? Well, they pay a huge penalty, and shame on this Congress and shame on those Members of this institution who yesterday went before those who were negotiating and said that we could not have 245(i).

While they come before this House repeatedly to talk about family values, here we had an opportunity to do something about family values. I am always thinking, when I listen to the President of the United States say, "This is a war against terrorists; this is not a war against Islam, this is not a war against Muslims," I wish he and other



Members of this institution would state as categorically and as clearly that this is not a war against immigrants.

The people who attacked us on September 11 were terrorists, who came here to destroy and be destructive in this country. Immigrants come here to build this country, to sweat and toil and make this the rich Nation that it is today. Shame on this institution for confusing one thing with the other.

I think it is really regrettable that we do not have 245(i), and I say that we redouble our efforts so we can keep families together. We need a sane immigration policy, an immigration policy based on keeping families together and uniting those families.

I just want to end by saying I thank the gentlewoman for giving me the time, and I thank the gentlewoman for her leadership, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Michigan (Mr. CONYERS), and all of those who truly believe.

I think when history is written, people will ask: Who stood up, who stood up for immigrants, for people who work? And shame on everybody in this Congress who walks on a shiny floor every day, knowing who mopped that floor; walks into a hotel room and says, my, it sure is clean, and has their laundry done, has their dishes washed, has all of the menial jobs done in their lives, and yet cannot vote to keep those families together.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me close by saying this: The eloquence of the gentleman from Illinois (Mr. GUTIERREZ) and the gentleman from Texas (Mr. RODRIGUEZ) and the gentleman from Texas (Mr. REYES) speaks for itself.

Just a few days after September 11, I held a town hall meeting to bring the community together to help them heal, to talk about the tragedies. It was open to everyone, and members of my immigrant community came.

Their greatest frustration was that they wanted to leave and serve this country. They wanted to go and join whatever military service would take them in. They wanted to stand up and be counted.

I believe, as I said to the gentleman from Wisconsin (Mr. SENSENBRENNER), and I thank him for his leadership, I am more than disappointed that we could not pass 245(i) to reunite families, to focus on what this country is all about, giving people the opportunity to contribute to the values of this Nation and stand up and be counted, and fight alongside of us to weed out terrorism because they believe and love this Nation.

This legislation is a good piece of legislation, but Madam Speaker, we have not finished our job. We are committed not to give up the fight, because there are families out there counting on us.

Let me simply acknowledge the work of George Fishman and Lora Ries and Leon Buck as staff, and Scott Deutchman and Perry Apelbaum, who worked on this in the wee hours and worked on it weeks before we were able to focus on this as the bill that has come before us now.

But the daunting question that we have is: Are we going to recognize that this is a Nation of immigrants and laws, and immigration does not equate to terrorism, and stop the kind of hysteria that is being created to label all immigrants as terrorists?

They no more want terrorists in this country than we do; they no more want to have people come in and harm us than we would. We must hold to our values of the Statue of Liberty, that we ask for those to come who are persecuted.

Madam Speaker, I ask my colleagues to support this legislation, and I yield back the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I think it is important that we get on the subject of what is before the House tonight; that is, legislation that does a number of important things: tightening up our visa issuing system; attempting to make sure that the visas and passports used by people entering this country are those that were issued to them; and to provide biometric information and various other types of antifraud devices.

I think it is important to point out that we provide more money for additional INS inspectors and investigators, and most importantly, provide a pay raise for them.

Since 9-11, I have made several visits to border areas. I have been to San Diego, I have been to Detroit, and I have been to the Miami airport. At each one of these stops, I have specifically requested to meet with representatives of the unions that represent the border patrol and INS inspectors, and I have heard again and again that good people are leaving because they can go to someplace else in law enforcement and get paid a lot more.

As a result, the turnover and the training time of those people who are actually on the borders enforcing the laws and protecting the people of this country becomes greater and greater. So this bill deals with those issues.

Again, I regret that the jurisdictional disputes prevent us from dealing with the aircraft and ship manifests and the chronic shortage of Customs inspectors, and once again, I urge the other committees of jurisdiction to promptly bring legislation before the House to deal with those issues.

With respect to what I have heard from the last several speakers, I will state categorically that this is not a war on immigrants, it is a war on terrorists. Immigrants have made this

country what it is. With the exception of the descendants of Native Americans, all of our forefathers and foremothers were immigrants; granted that there were different waves of immigration from different parts of the world, but immigrants came to this country because of the economic opportunity and the freedom that we provide.

What we want to do is to make sure that the immigration is done pursuant to law, and to provide the proper documentation so that people who are here legally can go to work and help themselves and their families and our country.

Next year, we will be dealing with the restructuring and reorganization of the Immigration and Naturalization Service, which is the most dysfunctional agency in the Federal Government.

□ 1815

Finally, with respect to 245(i), this House has voted in favor of extending 245(i). The chairman of the Subcommittee on Immigration and Claims, the gentleman from Pennsylvania (Mr. GEKAS) and I introduced H.R. 1885 on May 17, 2001. We brought it before the House under suspension of the rules four days later on May 21, 2001. And on a roll call of 336 to 43, the House passed the extension of 245(i).

Now, that bill provided an extension four months after the date of enactment. And as is the case with a lot of meritorious legislation, the other body did not deal with it promptly.

Now, I hope the time has come when we will be able to bring another 245(i) bill to the floor. But I do not think it accurately represents what 336 of us did on May 21, to say that we have turned our backs on those families. There were only 43 no votes on May 21. And I think the vast majority, the 336 of us who voted yes, will have our day in court some time in the future and a 245(i) extension that is fair to all will be sent to the President of the United States. I urge an aye vote on H.R. 3525.

Ms. ROYBAL-ALLARD. Madam Speaker, I rise in support of H.R. 3525, the Enhanced Border Security and Visa Entry Reform Act, because this bill strengthens the security of our borders, secures our visa entry system, and enhances our ability to deter potential terrorists. However, I also rise to express my displeasure that an extension of Section 245(i) of the Immigration and Nationality Act was dropped from the final version of this bill.

My support of H.R. 3525 is based on the fact that it improves the resources, training, and technology available to our border personnel to increase the effectiveness of our efforts to improve border security. This bill requires the Attorney General to begin installing biometric data readers and scanners at U.S. ports of entry so we can more accurately deter individuals with false passports or visas.

H.R. 3525 also improves coordination and information-sharing by the State Department,

the Immigration and Naturalization Service (INS), and law enforcement and intelligence agencies. For example, consular officers who issue visas will now be required to transmit electronic versions of visa files to the INS, so that this critical information is available to immigration inspectors at U.S. ports of entry. By enhancing our ability to screen visitors to the U.S. before their arrival, we will help to keep terrorist cells from entering our country.

This bill also improves the monitoring of foreign students and exchange visitors. H.R. 3525 expands the current foreign student monitoring program in our colleges and universities to include flight schools, language training programs, and vocational schools. It also enhances the reporting requirements placed on the INS, the State Department and educational institutions. In addition, it requires the INS, in consultation with the Department of Education, to periodically review institutions enrolling foreign students and receiving exchange visitors, to ensure that they adhere to the mandated reporting and record-keeping requirements.

Madam Speaker, in spite of the many merits of this bill, I am however very disappointed that it does not include an extension of Section 245(i) of the Immigration and Nationality Act.

Section 245(i) allows eligible immigrants to stay in this country by paying a substantial fee of \$1,000 to adjust their status to permanent residency based on a close family member or employer sponsor. Under Section 245(i), the only eligible immigrants are those who have been physically present in the United States since before December 1998 and have an established familiar relationship or employment based petition filed with the INS. Immigrants who qualify would be screened for criminal offenses, fraud, and would need to meet all other conditions of admissibility—just like any other immigrant who applies for a green card. An extension of 245(i) does not provide a loophole to our border security—anyone found to be linked to any criminal activity would continue to face deportation or detention.

A permanent extension of Section 245(i) is an issue of great importance to the Hispanic Caucus and the entire Latino community. President Bush publicly supported an extension, as have the AFL-CIO and the U.S. Chamber of Commerce. In fact, the House was scheduled to vote on an extension of this important provision, but due to the unconscionable attacks of September 11th this legislation was pulled from consideration and never rescheduled.

Since then, I along with other members of the Congressional Hispanic Caucus have been urging the leadership of the House to bring up and pass an extension to Section 245(i) before the end of the year. We felt confident that adding an extension of Section 245(i) to H.R. 3525 would create the right balance between the need to keep our borders safe from terrorist threats, and keep the avenues for legal permanent residency open to hard working immigrants.

Without an extension of Section 245(i), we are not helping to secure our borders; we are instead promoting the separation of families and the increase of individuals on our unemployment roles. It is therefore unfortunate that

Section 245(i) has fallen victim to those who equate immigration with terrorism.

There is no doubt that our country needs long-term solutions to security problems at our borders, and H.R. 3525 is a positive step in that direction. In our effort to secure our nation however, we must not close the door to our ability to legalize employees of American companies or spouses and children of U.S. citizens. An extension of Section 245(i) is pro-family, pro-business, and good for America. I hope the Bush Administration will keep its promise and work with the bipartisan congressional supporters of Section 245(i) to gain passage of an extension before the end of the 107th Congress.

Mr. SENSENBRENNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3525, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 3525, ENHANCED BORDER SECURITY ACT AND VISA ENTRY REFORM ACT OF 2001

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that in engrossment of the bill, H.R. 3525, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

#### ELIGIBILITY OF CERTAIN PERSONS FOR BURIAL IN ARLINGTON NATIONAL CEMETERY

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3423) to amend title 38, United States Code, to enact into law eligibility of certain veterans and their dependents for burial in Arlington National Cemetery, as amended.

The Clerk read as follows:

H.R. 3423

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ELIGIBILITY OF CERTAIN PERSONS FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—(1) Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

#### “§2412. Arlington National Cemetery: eligibility of certain persons for burial

“(a)(1) The remains of a member or former member of a reserve component of the

Armed Forces who at the time of death was under 60 years of age and who, but for age, would have been eligible at the time of death for retired pay under chapter 1223 of title 10 may be buried in Arlington National Cemetery on the same basis as the remains of members of the Armed Forces entitled to retired pay under that chapter.

“(2) The remains of the dependents of a member whose remains are permitted under paragraph (1) to be buried in Arlington National Cemetery may be buried in that cemetery on the same basis as dependents of members of the Armed Forces entitled to retired pay under such chapter 1223.

“(b)(1) The remains of a member of a reserve component of the Armed Forces who dies in the line of duty while on active duty for training or inactive duty training may be buried in Arlington National Cemetery on the same basis as the remains of a member of the Armed Forces who dies while on active duty.

“(2) The remains of the dependents of a member whose remains are permitted under paragraph (1) to be buried in Arlington National Cemetery may be buried in that cemetery on the same basis as dependents of members on active duty.”.

(2) The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding at the end the following new item:

“2412. Arlington National Cemetery: eligibility of certain persons for burial.”.

(b) EFFECTIVE DATE.—Section 2412 of title 38, United States Code, as added by subsection (a), shall apply with respect to interments occurring on or after the date of the enactment of this Act.

#### SEC. 2. PLACEMENT OF MEMORIAL IN ARLINGTON NATIONAL CEMETERY HONORING THE VICTIMS OF THE ACTS OF TERRORISM PERPETRATED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001.

(a) AUTHORIZATION TO PLACE MEMORIAL.—The Secretary of the Army is authorized to construct and place in Arlington National Cemetery a memorial marker honoring the victims of the acts of terrorism perpetrated against the United States on September 11, 2001.

(b) CONSULTATION WITH FAMILIES OF VICTIMS BEFORE USE OF AUTHORITY.—The Secretary of the Army shall consult with the families of victims of such acts of terrorism prior to the exercise of the authority provided for under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased that the House is considering H.R. 3423, as amended, so promptly. This bill would change in-ground burial eligibility at Arlington National Cemetery by eliminating the requirement that retired reservists be in receipt of their retirement pay.

Reservists must be 60 years old to receive pay, and existing Army rules do not allow these gray zone retirees to be